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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,016	11/21/2003	Raymond V. Damadian	DAMADIAN 3.0-080	5664
530 7590 08/30/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER CHENG, JACQUELINE	
			ART UNIT 3768	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/721,016

Applicant(s)

DAMADIAN, RAYMOND V.

Examiner

Jacqueline Cheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5, 8-11, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu (US 2003/0126279 A1).

4. **Claims 1-5 and 8-10:** To have multiple MRI scanners at one facility is well known in the art. It would be obvious to have multiple scanners in order to be able to process twice or three times as many patients in a same time frame, enhancing patient throughput. Hu discloses that a large hospital may have as many as four MRI imagers (paragraph 0013). Although Hu does not explicitly disclose the type of scanners that are in the hospital, it is obvious to one skilled in the art to have any numerations of variety in the scanners. It is possible to have four of the same scanners, although it is more likely to have various scanners with different purposes such as a full body MRI scanner, an open MRI scanner, and an extremity scanner to be able to address a more wide area of problems within the hospital. It would also be obvious to one skilled in the art that the hospital's imaging center will have a list of patients who have scheduled an appointment.

The patients are received and directed to the scanner they are scheduled for and the area of interest (such as a patient's head or foot) is scanned.

5. **Claims 1 and 8:** Although it would be obvious to have an extremity scanner and a MRI scanner in a same facility (for further support see Emory-Adventist Hospital, <http://www.emoryadventist.org/ImagingServices.aspx>, who offers both a standard whole-body scanner as well as an extremity scanner on the same campus (or facility) and SportsMed clinic, [http://www.sportsmedlink.com/about\\_mri.html](http://www.sportsmedlink.com/about_mri.html), who offers both lower extremity MRI and full body open MRI), the applicant's claim does not require the second scanner to be limited to a scanner being small enough to only allow an extremity of the patient. The applicant claims in claim 1 and 8 "the second scanner being large enough to allow only an extremity or the head of a patient". A full body scanner is large enough to allow only an extremity or the head of the patient.

6. **Claims 11 and 15:** A magnetic imaging apparatus with a magnet defining a horizontal field axis and an imaging volume surrounding the axis having a vertical and horizontal direction is inherent in any MR system.

7. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hu as applied to claim 1 and 10 above, and further in view of Malik (US 2001/0037219 A1). Maintaining a queue of patients and where the patients must be directed to a particular doctor with a certain machine is well known in the art. This can be seen in any hospital or doctor's office. A list of patients to be seen for the day and which doctor (which MR system) they have to go to is kept track of and the patients directed properly when the doctors are available. Malik also discloses this basic idea

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in paragraph 0010 and 0039. In Malik the patient's are assigned to a pool or queue of patients based upon the attributes of the patients and/or the attributes of the doctors (the attribute being whether the patients need to be imaged on the first MRI vs. the second MRI). The doctor then treats the patients in order of the queue. It would be obvious to one with ordinary skill in the art at the time of the invention to combine Malik with Hu as any facility or doctor's office or the like would need a managing system to manage the patients waiting in a timely and proper manner.

8. **Claims 6, 12-14, 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu in as applied to claims 1 and 10 above, and further in view of Damadian'490 (US 6,414,490 B1). Damadian'490 et al. discloses an MRI that can position a patient through a range of orientations from a horizontal to a vertical position (abstract). The positioning device also has a variety of retractable pieces to orientate the patient in any desired orientation relative to the frame, such as in a seated position or a standing position with a footrest to orient the patient in a weight bearing position (col. 5 line 17-25). The device also has the ability to move the patient upwardly and downwardly to allow scanning of essentially any part of the patient (such as the foot) (col. 6 line 8-15). This mobility is achieved by the use of an elevator. Although the device has the ability to move the patient in a range of up to five or six feet, if the area of interest to be imaged is a head or chest, then the support is limited to a range of motion less than 1.5 feet. It would be obvious to combine Damadian'490 with Hu as any well known MRI imaging system can be housed in a hospital.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Cheng whose telephone number is 571-272-5596. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

  
**ELENI MANTIS MERCADER**  
**SUPERVISORY PATENT EXAMINER**